

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

23

U.S.C.A. #

U.S.D.C. #

07-cv-7199

JUDGE:

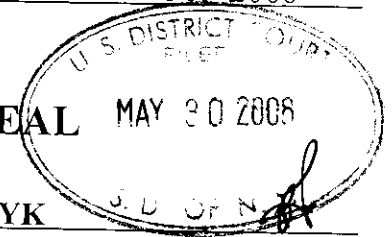
DLC

DATE:

MAY 30, 2008

INDEX TO THE RECORD ON APPEAL

MAY 30 2008



PREPARED BY (NAME):

THOMAS R. PISARCZYK

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

Entire file already in USCA on
previous appeal filed on 5/19/08

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 30TH Day of May, 2008.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Martin

-v-

Connelly et al

U.S.C.A. # _____

U.S.D.C. # 07-cv-7199

JUDGE: DLC

DATE: MAY 30, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

Entire file already in USCA
on previous appeal filed on
5/19/08

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 30TH Day of May In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CLOSED, PLRA, PRO-SE

**U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07199-DLC
Internal Use Only**

Martin v. Connelly et al
Assigned to: Judge Denise L. Cote
Cause: 42:1983 Civil Rights Act

Date Filed: 08/13/2007
Date Terminated: 04/22/2008
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison Condition
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/13/2007	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 8/10/2007) (mbe) (Entered: 08/28/2007)
08/13/2007		Magistrate Judge Theodore H. Katz is so designated. (mbe) (Entered: 08/28/2007)
08/13/2007	2	COMPLAINT against Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera. Reply required under Prison Litigation Reform Act Section 7(2)(g)(2)..Document filed by Kevin Martin.(mbe) (Entered: 08/28/2007)
08/13/2007		Case Designated PLRA purs. to Prison Litigation Reform Act Section 7(2)(g)(2). (mbe) (Entered: 08/28/2007)
10/15/2007	4	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Carrol Harrington served on 9/21/2007, answer due 10/11/2007. Document filed by Kevin Martin. (tro) (Entered: 10/19/2007)
10/16/2007	3	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Alda Pelc served on 10/5/2007, answer due 10/25/2007. Document filed by Kevin Martin. (tro) (Entered: 10/19/2007)
10/16/2007	5	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Michael served on 9/28/2007, answer due 10/18/2007. Document filed by Kevin Martin. (tro) (Entered: 10/19/2007)
10/16/2007	6	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. M. Rivera served on 9/26/2007, answer due 10/16/2007. Document filed by Kevin Martin. (tro) (Entered: 10/19/2007)
10/16/2007	7	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. William J. Connelly served on 9/26/2007, answer due 10/16/2007. Document filed by Kevin Martin. (tro) (Entered: 10/19/2007)
10/16/2007	8	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Medwick served on 10/3/2007, answer due 10/23/2007. Document filed by Kevin Martin. (tro) (Entered: 10/22/2007)
11/28/2007	9	ORDER AND NOTICE OF INITIAL PRETRIAL CONFERENCE: The defendants' request is granted. Defendants shall answer or move by 1/7/08. Initial Conference set for 1/25/2008 at 12:00 PM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 11/26/07) (tro) (Entered: 11/28/2007)
01/08/2008	10	MOTION to Dismiss purs to Rule 12(b)(6) of the FRCP. Document filed by Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera.(djc) (Entered: 01/11/2008)
01/08/2008	11	MEMORANDUM OF LAW in Support re: 10 MOTION to Dismiss. Document filed by Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera. (djc) (Entered: 01/11/2008)
01/15/2008	12	ORDER, that plaintiff's opposition to the motion to dismiss is due on or before 2/5/2008, Any reply is due on or before 2/19/2008. The initial pretrial conference previously scheduled for January 25 is cancelled. That failure to comply with any of the terms of this Order may constitute grounds for the denial fo requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. Additional relief as set forth in this Order. (Signed by Judge Denise L. Cote on 1/15/08) (pl) (pl). (Entered: 01/16/2008)
02/07/2008	13	REPLY AFFIRMATION of Kevin Martin in Opposition re: 10 MOTION to Dismiss and Notice of Motion. Document filed by Kevin Martin. (djc) (Entered: 02/11/2008)
02/13/2008	14	ORDER that defendants' reply is due on or before 2/29/08. When filing papers with the court, the parties shall provide a courtesy copy to Chambers by sending them to this Court's Pro Se Office, Room 230 U.S. Courthouse, 500 Pearl Street, New York, New York 10007. Failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. (Signed by Judge Denise L. Cote on 2/13/08) Copies sent by chambers.(dle) Modified on 2/13/2008 (dle). (Entered: 02/13/2008)
03/03/2008	15	REPLY MEMORANDUM OF LAW in Further Support re: 10 MOTION to Dismiss. Document filed by Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera. (djc) (Entered: 03/04/2008)
04/09/2008	16	NOTICE OF APPEARANCE by Thomas M. Biesty on behalf of Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera (jmi) (Entered: 04/14/2008)
04/09/2008	17	CERTIFICATE OF SERVICE of Notice of Appearance served on Kevin Martin on 4/4/2008. Service was made by Mail. Document filed by Carrol Harrington, William J. Connelly, Alda Pelc, Michael, Medwick, M. Rivera. (jmi) (Entered: 04/14/2008)
04/18/2008	18	OPINION and ORDER #95989 re: granting 10 MOTION to Dismiss. The Clerk of Court shall close the case (Signed by Judge Denise L. Cote on 4/18/08) (djc). (Entered: 04/21/2008)
04/21/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 18 Memorandum & Opinion to the Judgments and Orders Clerk. (djc) (Entered: 04/21/2008)
04/22/2008	19	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated April 18, 2008, defendants January 7, 2008 motion to dismiss is granted; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 4/22/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 04/22/2008)

04/23/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Kevin Martin and to Attorney(s) of Record: Thomas M. Biesty, Benjamin J. Lee. (ama) (Entered: 04/23/2008)
05/08/2008	22	NOTICE OF APPEAL from 19 Clerk's Judgment, 18 Memorandum & Opinion. Document filed by Kevin Martin. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 05/29/2008)
05/08/2008		Appeal Remark as to 22 Notice of Appeal filed by Kevin Martin. NO FEE. IFP GRANTED 8/10/07. (tp) (Entered: 05/29/2008)
05/19/2008	20	NOTICE OF APPEAL from 19 Clerk's Judgment. Document filed by Kevin Martin. NO FEE. IFP GRANTED 8/10/07. (tp) (Entered: 05/19/2008)
05/19/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 20 Notice of Appeal. (tp) (Entered: 05/19/2008)
05/19/2008		Transmission of Notice of Appeal to the District Judge re: 20 Notice of Appeal. (tp) (Entered: 05/19/2008)
05/20/2008	21	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 20 Notice of Appeal filed by Kevin Martin 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/21/2008)
05/20/2008		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 20 Notice of Appeal filed by Kevin Martin were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/21/2008)
05/29/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 22 Notice of Appeal. (tp) (Entered: 05/29/2008)
05/29/2008		Transmission of Notice of Appeal to the District Judge re: 22 Notice of Appeal. (tp) (Entered: 05/29/2008)